

George W. Paschal," was read first time and referred to Committee on Finance.

House bill No. 305, "An act to define the land districts of Brown and of San Saba," was read first time and referred to Committee on Public Lands.

House bill No. 208, "An act to enable clerks of the district court, in certain counties, to qualify as justices of the peace," was read first time and referred to Judiciary Committee.

House bill No. 228, "An act to designate the holidays to be observed in the acceptance and payment of bank bills of exchange, bank checks and promissory notes," was read first time and referred to Judiciary Committee.

House bill No. 221, "An act to amend the fourth section of an act, entitled 'An act to provide for the publication of the decisions of the Supreme Court, and the appointment of a reporter thereof,' approved November 12, 1866," was read first time and referred to the Judiciary Committee.

House bill No. 234, "An act to enable one person to hold two or more offices, in certain counties," was read first time and referred to the Judiciary Committee.

House bill No. 315, "An act to regulate proceedings in the Supreme Court," was taken up.

The House had, on yesterday, accepted one of the Senate amendments thereto, but refused to accept the second amendment, which was as follows: "and from the county of Washington, returnable to Austin, instead of Galveston."

On motion of Senator Ball, the Senate adhered to its amendment.

On motion of Senator Russell, the President appointed as a committee of conference on the disagreement between the two houses, Senators Dwyer, Ball and Russell.

Senate bill No. 56, "An act to regulate the collection of accounts from another State or from another county in this State than that in which suit is brought," together with House amendments, was taken up.

Senator Bradshaw moved that the Senate concur in House amendments.

On motion of Senator Flanagan, the bill and House amendments were referred to Judiciary Committee.

On motion of Senator Ireland, House bill No. 18, "An act to encourage stockraising, and for the protection of stockraisers," was taken up.

Senator Dillard moved that the Senate do not adopt the engrossed rider that was adopted by the House. Carried.

Senator Ireland moved to strike out the word "Austin," in the forty-fourth section of the bill. Carried.

On motion of Senator Bradley, the word

"Leon" was added in the forty-fourth section.

On motion of Senator Allison, the words "Denton" and "Wise" were added in the forty-fourth section.

The bill, as amended, then passed to third reading.

On motion of Senator Ireland, the rules were suspended, bill read third time and passed.

On motion of Senator Ball, the Senate stood adjourned to 9 A. M. to-morrow.

FIFTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, March 18, 1874.

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain of the House.

Journal of yesterday read and adopted.

Senator Bradley, chairman of Committee on General Land Office, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on General Land Office, to whom was referred House bill No. 222, "An act to require the Commissioner of the General Land Office to furnish copies of field notes and surveys to the counties of the State," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

BRADLEY, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on General Land Office, to whom was referred Senate bill No. 279, "An act for the relief of Wm. N. Cook," are of opinion that said bill is within that class of special legislation which is prohibited by the Constitution, and, therefore, report the same back, with the recommendation that it do not pass.

BRADLEY, Chairman.

Report from Committee on Claims and Accounts:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred House bill No. 118, "An act making an appropriation to defray the traveling and other contingent expenses of the Adjutant General, in collecting the State arms," having considered the same, instruct me to report the same back to your honorable body, with the recommendation that it do pass.

W. H. SWIFT, Chairman.

Senator Baker, chairman Finance Committee, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 280, "An act making an appropriation to pay the fees due certain officers, in cases of impeachment

and addresses against judges, now pending before the Fourteenth Legislature," having duly examined the same, I am instructed to report it back with the recommendation that it do pass.

W. R. BAKER, Chairman.

Senator Baker, for Senate joint committee, appointed to examine the books and papers of the Comptroller's office, submitted the following joint report:

Hon. R. B. Hubbard, President of the Senate, and Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your joint committee, appointed to examine the books and papers of the Comptroller's office, beg leave to report that they have investigated the same, for the years 1872 and 1873, and respectfully call attention to exhibit A, herewith submitted.

We also submit the report of the clerks employed by the Comptroller, at our instance, on the same subject, marked exhibit B. We recommend that a sufficient clerical force be employed to write up the books of the Comptroller's office for the years 1867 to and including the year 1871. It appears that during the five years stated no proper accounts have been kept with collecting officers, and the books and papers are in utter confusion, and, to the committee, there appears to be no remedy except to employ experts to take the papers and memoranda, and enter in new books systematically all the items which should go to make up the accounts, and thus ascertain what is due from collecting officers, and on tax rolls from tax payers. We therefore recommend that the Comptroller be instructed to employ such additional clerks as may be found necessary to do the work herein suggested, and to bring up all unfinished business of his office. It is deemed that the clerks now employed by the Comptroller, will only be able to perform the routine duties of the office and keep up the current business.

In order to a complete assessment hereafter, of the lands of the State, for taxes, we recommend that a new and complete abstract of the titles and patented lands of the State, be furnished the Comptroller, and that an appropriation be made therefor.

We find also that the maps, books and papers of the Comptroller's office, cannot be properly preserved and arranged without more room being allowed for the purpose, and we recommend suitable additions be made to the treasury building for the use of the Comptroller.

Your committee further report that they are examining the bonds of sheriffs as collecting officers, and will submit a supplemental report as to their sufficiency and solvency, and special attention is called to the

item of uncollected taxes of \$974,586 63, as shown by exhibit A.

W. R. BAKER,
Chairman on part of Senate.
J. W. KEMBLE,
Chairman on part of House.

EXHIBIT A.

Statement of Taxes for the years 1872 and 1873.

		1872.	1873.
Total amount of assessment rolls for 1872.....		\$1,323,423 25	
Estimated amount assessment Madison county, not returned.....		5,000	
Amount paid up to August 31, 1872, as per report of Comptroller.....		\$108,994 33	
Amount paid from September 1, 1872, to March, 1874.....		976,770 96	
Balance unpaid for 1872.....		1,085,705 82	
1873.			\$242,667 43
Total amount of assessment rolls for 1873.....			\$113,890 00
Amount railroad bond tax not mentioned in report of Comptroller.....			21,142 85
Estimated amount of assessments in the following counties, not returned, viz: Brown, Hamilton, San Patricio, Webb, Wharton, El Paso, Liberty, Shelby and Madison.....			25,000 00
Amount paid in up to March 6, 1874.....			\$1,160,032 85
Balance unpaid for 1873.....			\$423,113 65
Total balance unpaid.....			\$731,919 30
			\$974,586 63

Not estimated in above:

		1872.
Justices' fees and commissions, assessed illegally and not paid in.....		\$14,973 70
Special tax in Brazos county.....		8,440 34
Total.....		\$23,414 04

EXHIBIT B.

COMPTROLLER'S OFFICE,
AUSTIN, March 7, 1874. }

Hon. J. H. Darden, Comptroller of Public Accounts:

SIR—The clerks to whom you entrusted the examination of assessment rolls in your office, respectfully report that by direction of the honorables, the Committee on Comptroller's Accounts, we have examined the assessment rolls of 1872 and 1873, and find

a balance of \$242,667 43 due for 1872, and a balance of \$731,919 20 due for 1873, as more fully shown by accompanying statement.

We found on the assessment rolls of 1872 \$14,973 79 illegally assessed for justices' fees and commissions, which amount is not embraced in the total amount of taxes due. We also found, on the same assessment, \$8440 34 assessed as a special tax in Brazos county, which is not included in the total amount due, but accounted for by the sheriff on a separate return. We find errors and omissions in the rolls of 1872 amounting to \$1546 29, which have been included in the total amount.

You will also observe that \$22,142 85, railroad bond tax, has been added to the total amount of taxes due for 1873, since your report to his excellency, Gov. Coke.

We also estimate the taxes of several counties from which no returns have been received, at \$25,000.

Should it be the desire of yourself and the committee to have the rolls from 1867 to 1871 examined, we have to remark that it will be long and tedious, for it will become necessary to recapitulate each roll before the indebtedness of the sheriff can be correctly ascertained. We are of opinion, however, that a sufficient amount will be gained to the State to justify a prosecution of the work. Very respectfully,

Your obedient servants,
(Signed.) W. L. HILL.
R. J. CLOW.

Senator Ireland, chairman of Judiciary Committee, submitted the following reports:
Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 155, "An act to define the duties and prescribe the powers of mayors and boards of aldermen of cities and towns," instruct me to report it back, with an amendment, by striking out all between sections seven and five, and recommend that the same, as amended, do pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:
Your committee, to whom was referred Senate bill No. 36, "An act to create a fund for the payment of jurors and to regulate the disbursement of the same," beg leave to report it back, with the recommendation that it do not pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:
Your Judiciary Committee, to whom was referred Senate bill No. 211, "An act to regulate the sale of lands under executions and judicial decrees," ask leave to return the same and recommend its passage.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:
Your Committee on Judiciary, to whom was referred Senate bill No. 204, "An act to confer additional jurisdiction on presid-

ing justices," ask leave to return the same, and recommend that it do not pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred the memorial of citizens of Burnet county, "In regard to a judgment held by the State against H. H. Calvert and R. H. Flippin, as sureties of a defaulting sheriff," have duly considered the same, and while the committee is satisfied, from information placed before it, that the judgment is a great hardship, still the committee feel that the Constitution absolutely prohibits the Legislature from granting the relief prayed for. (See section twenty-eight, general provisions, late amendments.)

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 191, "An act supplemental to and amendatory of the several acts concerning justices' courts when sitting as an examining court," ask leave to return the same, and recommend its passage.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 183, "An act to regulate the admissibility of certain written instruments in evidence in the courts of this State," ask leave to return the same and recommend that it do not pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 183, "An act to authorize the Commissioner of the General Land Office to issue certain certificates," ask leave to return the same, and recommend that it do not pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 184, "An act to prohibit the sale of liquor within five miles of Dresden, in Navarro county," ask leave to return the same and recommend its passage.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 201, "An act to provide for the assessment and collection of taxes," ask leave to return the same and recommend that it be referred to the Finance Committee, as that committee now has the same subject under advisement.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 196, "An act to amend section one of an act entitled 'An act prescribing the times for holding general elections,'" ask leave to return the same and recommend its passage.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 201, "An act the better to secure a pure and impartial administration of justice in the courts of country," ask leave to return the same, and recommend that it do not pass.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill, No. 109, "An act to provide for and regulate the registration of deaths," ask leave to return the same and recommend that it do not pass.

IRELAND, Chairman.

Senator Parker, chairman Committee on Agriculture, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Agriculture, to whom was referred House bill No. 92, "An act creating the office of public weigher, and regulating the appointment and defining the duties and liabilities thereof," have carefully considered the same, and instruct me report the bill back to your honorable body, with the recommendation that it do pass with the accompanying amendments.

PARKER, Chairman.

Strike out section five, and strike out all of section eight, after the word "hides," in the seventeenth line of said section, in engrossed bill of the House: In section eight, strike out the words "or his deputies," in the third line of said section. In section nine, strike out the words, "or any of his deputies," in the third line of said section.

Report from Committee on Stock and Stockraising:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred Senate bill No. 209, "An act to amend the sixth section of 'An act regulating the estraying of stock,'" have carefully considered the same, and recommend its passage by your honorable body.

R. D. ALLISON, Chairman.

Senator Moore introduced a bill entitled "An act to amend section three of an act entitled 'An act to enable the district judges to make temporary appointments of clerks of the district courts, in cases of vacancies,'" approved May 7, 1873. Read first time and referred to Judiciary Committee.

Senator Culberson offered the following resolution:

Resolved by the Senate of the State of Texas, That the practice or rule, allowing counsel to appear and prosecute in behalf of the State, in matters of address, for the removal of district judges, is not warranted by law, nor contemplated by the Constitution. Matters of address are ordinary legislation, differing only therefrom by the

constitutional privilege of the person sought to be removed, of appearing by counsel or in person, and answering the charges preferred by the Legislature, in its official capacity; and that so much of the rules heretofore adopted as permits this irregular practice is hereby annulled.

Pending the discussion of the above resolution, a message was received from the House announcing that the House is now ready to receive the Senate in joint session, to hear and determine the matter of the charges against J. B. Williamson, judge of the Sixth Judicial District.

Senator Hobby moved to postpone the special order, to go into joint session.

Senator Ireland raised the point of order, that this special order being a joint action of the two houses, the Senate could not postpone the special order.

The President ruled that the Senate could postpone any special order, if they saw proper to do so, by a two-thirds vote.

Senator Ireland appealed from the decision of the chair.

The decision of the chair was sustained by a rising vote of twelve against ten.

Senator Hobby then moved that the special order be postponed. Lost.

The President then announced that the Senate would proceed to the House.

The Senate then went into joint session with the House.

IN JOINT SESSION.

Roll of the Senate called; quorum present.

The Speaker of the House announced that the object of the joint session was for the purpose of considering the charges presented in the address against Judge J. B. Williamson, of the Sixth Judicial District.

H. P. Mabry, counsel for the State, asked if the counsel for the defense would be allowed to argue the demurrer presented by the defendant.

The Speaker ruled that the joint session would hear the argument of the different attorneys upon the law and the evidence in said case, and nothing more.

The attorneys for the State were H. P. Mabry, F. B. Sexton and W. M. Walton. The attorneys for the defense were James Turner, G. B. Lipscomb and J. W. Robertson.

H. P. Mabry, counsel for the State, then addressed the joint session.

Col. J. W. Robertson, of Travis county, then addressed the joint session in behalf of the defendant.

At the close of his argument, on motion of Senator Bradshaw the Senators returned to the Senate Chamber.

IN SENATE.

Senator Westfall moved that the report of the Judiciary Committee, submitted this morning, in regard to a petition of certain

parties in Burnet county, asking relief from a judgment on their official bond, said report being adverse to the asked-for relief, be adopted. Carried.

Senator Westfall then asked leave to withdraw the papers in said case. Granted.

Senator Dwyer, for Committee on Enrolled Bills, submitted the following report: *Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Enrolled Bills ask leave to report that they have carefully examined and find correctly enrolled: Senate bill No. 71, "An act to amend an act entitled 'An act to incorporate the Agricultural, Mechanical and Blood Stock Association of Texas,'" approved October 20, 1866; also Senate joint resolution No. 208, "Joint resolution instructing and requesting our Congressional delegation to urge upon Congress the speedy reimbursement of Henry Warren, for losses incurred by reason of the destruction of his wagon train and other property, by the Comanche, Kiowa and Cheyenne Indians," and have this eighteenth day of March, 1874, at 9:30 A. M., presented the same to the Governor for his approval.

JOSEPH E. DWYER, for Committee.

On motion of Senator Bradshaw, the Senate adjourned to 3 P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment. Roll called; no quorum present.

Senator Ireland moved a call of the Senate. Call sustained.

Absent—Senators Bradshaw, Bradley, Erath, Randle, Russell and Swift.

The doorkeeper announced Senators Swift and Russell.

On motion of Senator Flanagan, the call was suspended.

The President of the Senate presented a message from his Excellency the Governor, which was as follows:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 18, 1874. }

Hon. R. B. Hubbard, President of the Senate of the State of Texas:

SIR—I have the honor to acknowledge the receipt of your communication of this day, with enclosures, showing the adoption, by the requisite constitutional majority, by the house over which you preside, of an address to the Executive, requiring the removal of Hon. M. Priest from the office of judge of the Fourth Judicial District.

I have the honor to state that I received on yesterday from Hon. Guy M. Bryan, Speaker of the House of Representatives of Texas, a communication informing me that the same address was adopted in the House, by the requisite constitutional majority. I beg leave, respectfully, through yourself, to inform the Senate that I have performed the duty devolved on the Executive, by this

joint action of the two houses, by addressing a note to Hon. M. Priest, at Rusk, in Cherokee county, removing him from the office of judge of the Fourth Judicial District, and declaring said office vacant; a copy of which note accompanies this communication.

Very respectfully, your obedient servant,
RICHARD COKE, Governor.

(Copy of the letter of Governor Coke to the Hon. M. Priest:)

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 18, 1874. }

Hon. M. Priest, Judge Fourth Judicial District:

SIR—The Legislature of the State of Texas, by a two-thirds vote of each house, have adopted and transmitted to me an address, requiring for, causes spread upon the records of said two houses, of which you have been duly notified, your removal from the office of judge of the Fourth Judicial District of Texas.

I, therefore, as Governor of Texas, in pursuance of the duty devolved on me by the Constitution, in virtue of this action of the Legislature, do hereby remove you from the office of judge of the Fourth Judicial District, and declare said office vacant.

Very respectfully,

(Signed) RICHARD COKE, Governor.

The message of the Governor was read, and, on motion of Senator Trolinger, was ordered spread on the journals.

A message was received from the House, announcing the passage of the following concurrent resolution:

Be it resolved by the House of Representatives, the Senate concurring, That the two houses assemble in joint session on Friday, the twentieth instant, at 3 P. M., in the hall of representatives, to hear and determine the case of address against Hon. L. W. Cooper, Judge of the Third Judicial District of the State of Texas.

On motion of Senator Dillard, the House concurrent resolution was concurred in.

On motion of Senator Allison, the doorkeeper was excused for this evening.

On motion of Senator Dillard, the Senators proceeded to the House for the purpose of joining them in joint session to listen to the continuance of the case of Judge J. B. Williamson of the Sixth Judicial District.

IN JOINT SESSION.

Roll of the Senate called; quorum present.

Mr. B. F. Sexton, counsel for the State, then proceeded to address the joint session.

At the close of his remarks, Mr. G. B. Lipscomb proceeded to address the joint session in behalf of the defendant.

During his discussion, on motion of Senator Dillard, the Senators retired to the Senate Chamber.

IN SENATE.

On motion of Senator Swift, the Senate stood adjourned.